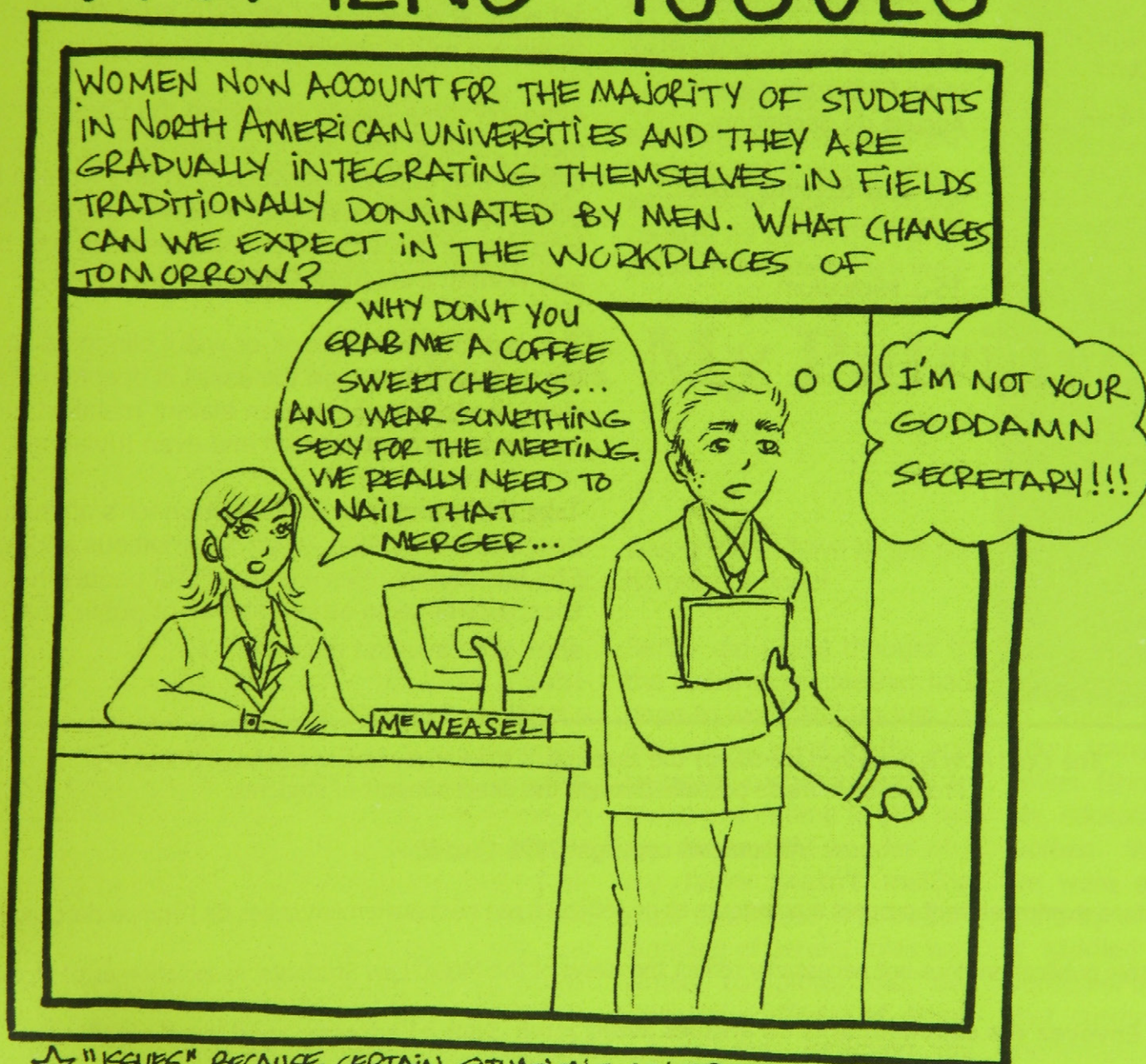


QUID NOVI

McGill University, Faculty of Law
Volume 27, no. 19, March 6, 2007
Special Issue on Women and the Law

WOMENS' "ISSUES" ☆



☆ "ISSUES" BECAUSE CERTAIN SITUATIONS CONCERN WOMEN DIFFERENTLY THAN MEN... AND ISSUES IN QUOTATIONS BECAUSE WE DON'T WANT YOU GUYS TO THINK WE'RE BEING HYSTERICAL (AS USUAL)... AND NO, WE'RE NOT TALKING ABOUT OUR PERIODS...

QUID NOVI

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Why a Special Issue on Women and the Law

by **Caroline Briand (Law IV)**
Co-Editor-in-Chief

Welcome to the Quid's first (and hopefully annual) special issue on Women and the Law! Why this special issue? After all, it's the first week of March, and we have all realized that the end of the term is quickly approaching, that we aren't exactly up to date in our readings and/or summaries, and that we're in the middle of the Montreal recruitment process.

Nevertheless, we figured that our little community could take a little time to reflect on women's (legal) issues and on the role of women in law, given the proportion of female students and law professors at the Faculty, and given that male students and law professors necessarily have to interact with us women, and are thus presumably as concerned as we are with those issues.

Although some people (including the Conservative government) seem to be living in a state of blissful ignorance and believe that equality between men and women has been achieved and that feminism is now irrelevant, there is still a long way to go before we reach this goal, and before men and women truly treat each other as equals.

This lack of awareness of, or wilful blindness to the prevailing inequality between the sexes is deeply rooted in our society, to a point where even blatant manifestations of sexism are often tolerated and even trivialized.

Take the example of Belinda Stronach's adventures in politics. She is articulate, wealthy, ambitious and opportunistic. She has multiple ties with powerful people in various industries, as well as in other spheres of public life. In short, she's your average politician.. ►

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://quid.mcgill.ca/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

But she's a woman. She wears skirts and fitted suits. Pink suits. And she is blonde. Although she has two children, she preferred her career in business to the apron, the church book club and the cat foster home, she has divorced... twice! And guess what? She dates men, and some even say that she has sex with them. Ever heard of that? Politicians having a life, not dressing as if their mom picked their outfit, dating and having sex? Ewww!

Because she is a woman, Ms. Stronach's crossing the floor to the Liberal party was considered as high treason. "Blonde Bombshell", commented the National Post. Some MPs called her a "dipstick", and went so far as to say that she was "whoring herself to the Liberals", though they added that such comments

were not in any way discriminatory, and that they would equally apply to male defectors. (Strangely enough, I don't remember anybody uttering similarly sexually-charged insults about Scott Brison or Garth Turner.)

In my opinion, those events, including the subsequent comments of Peter McKay who called Ms. Stronach "a dog" and of Ralph Klein concerning Ms. Stronach's ...uh... bones, should alarm every concerned Canadian citizen for the following reasons:

1) Misogynistic dinosaurs like the MPs who viciously attempted to demean Ms. Stronach through sexual slurs are among the people who get to vote on legal issues that impact on women. I personally wouldn't trust anyone

like Mr. MacKay, a man who still can't get over the fact that his then-girlfriend may have different opinions than him, to make wise and respectful decisions concerning my relationship with my uterus, the extent to which a defence lawyer would be allowed to expose the minute details of my sexual history for everyone to see, or, should I decide ever to reproduce, my ability to raise my litter and pursue a fulfilling career without being reminded that children are but a "lifestyle choice" for which career women – and female lawyers, for that matter – don't deserve a special tax treatment.

2) The people who uttered those sexual slurs didn't even get a slap on the wrist. No exclusion from the caucus, no public disapprobation from the party's lead-

ers. On the contrary, many cheered, and happily joined the slaughter. Organizations ought to be accountable to their constituents and to the public at large when their members get out of hand, and start running around chanting sexist slogans (e.g. "NO MEANS have aNOther beer"), cracking insensitive rape jokes or scattering other forms of gender-based hate speech.

3) More importantly: Where was the public outcry? If we do believe, as a people, in egalitarian values, and in the importance of eradicating all forms of discrimination, surely we ought to protest fiercely against it when it's looking at us in the face. As a matter of fact, such silence is outrageous, and this so-called "tolerance" or "respect for free speech", cruelly misplaced. ■

The Square: Me & My Patriarchy

by Nick Dodd (Law II)

For a long time, during my youth and young manhood, I thought my mom was crazy. While she often seemed to run the house like her personal fiefdom, she still managed to occasionally get upset about how no one respected her, or cared about her wants and needs. "Respect her?!" I would demand incredulously to friends, brothers, my father, "all we do is respect her!" "Wants and needs," I would cry, "we always have to do everything the way she wants." I believed that everyone in the house marched to my mother's tune. My proof positive was that if she was upset, the

house was quiet whereas if she was happy, everyone felt ok being rambunctious.

I had learned to be a patriarch. Perhaps not as overt a patriarch as one can imagine, but a patriarch nonetheless. I learned it at home, in school, from the television I watched and the music I listened to. This is why I felt ok getting angry with my mother when she, for example, was a half-hour late picking me up from rugby practice. Didn't she know that I had important things to do? And how could she condemn me for my righteous anger?! If I was going to succeed in this world, I

was going to have to get my homework done!

Rarely did I give thought to the fact that my mother had gone to work at 7am just so she could leave early and brave the rush-hour traffic to arrive just in time to pick me up. Never did I wonder why my father wasn't making such sacrifices. My understanding of gender roles was whole, complete, and, despite the efforts of some around me, including my mother, staunchly unchallenged. Scary stuff.

Last month the *Gazette* ran a weeklong special on women in the workforce. In short,

the question it was asking was [note: editorial honesty to follow] how a society based on patriarchy and specific gender roles was going to adjust to the (glacially slow) transfer of economic power (through, for example, education) from men to women. What will happen, we were asked, when the majority of our labour force is saddled with the heavy burden of the domestic work that currently accompanies the female gender role? Will the fundamentals of the workforce have to change? Or, as has been happening for the last century, will women just be expected to shoulder the extra role ▶

as primary provider in addition to all the other roles she has already been forced to accept?

This exact issue arose in a recent Refugee and Immigration Law class, in relation to our discussion of the live-in caregiver provisions of the *IRPA*. One of the things that came out of this class is that, while the above questions strike at the fundamental functioning of Canadian society as a whole, these issues reach their logical extreme in the field of law. The law firm world is structured around strict understandings of gender roles. As a lawyer, your dedication to the firm is absolute and you are expected to put in 12, 14, 15-hour days without question. What, in the past, has allowed this model to function? The fact that said lawyer (male) could rely on his partner (female) to take care of pesky details like food provision, cleaning and child rearing. Such tasks are still, either explicitly or implicitly,

labeled "women's work", and when a man undertakes to perform such roles it is understood to be the exception.

But what will happen when said lawyer, as well as a majority of her peers, is female? Will the expectations be the same? Judging by a recent cover of one of those horrible law rags that litter the basement of the NCDH (present publication excluded, of course) which featured the 'Top 50 lawyers under 50' or something like that, there are still a lot of white male faces out there with a vested interest in exactly this structure. But again, putting aside the vested interests (and recognizing impossibility of that) where and how can change begin?

Audrey Macklin, in an article entitled "On the Inside Looking In: Foreign Domestic Workers in Canada," suggests the following: "A just solution to the dilemma of career and family would involve, at a minimum,

equally distributing responsibility for child rearing across the sexes, whether within the nuclear family or through some other 4 arrangement. It would also mean transfiguring the workplace and its priorities away from its anachronistic model of the male breadwinner with the stay-at-home housewife. Finally, it would require the state to assume a greater responsibility in making childcare available and affordable to all women and in paying those who do it a decent wage."

While I strongly support the above suggestions, I cannot help but feel that something is missing from this formula (and I don't think the author would disagree). I think about my mother, how my brothers and I have treated her, what we expected and expect from her, and about the slow, continuing process of exorcising my inner patriarch.

Beyond the suggestions of

the above quote, and in fact behind them, is a requirement that each of us confront how we re-enforce and re-inscribe, in our daily interactions, the gender roles that we have, to a greater or lesser extent, internalized.

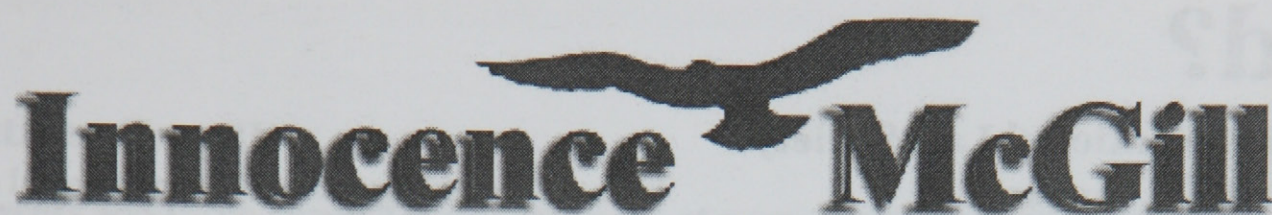
This act of subversion is, for those who were brought up like me, difficult, complicated, and bound to be marked by failures along the way. The only reason I have made any progress at all is due to the patience, strength and understanding of a few amazing people in my life. While very challenging, this task is, for those raised as I was, probably the most important thing we can do for the women in our lives. Even if taking on this obligation cannot set-right the times that I deeply hurt my mother, perhaps it will ensure that I do not do so any longer. And for all the incredible women in my life, it's the least I can do. ■

Law Blurb

overheard by Olga Puigdemont Sola (Law II)

Friday before winter break, McGill Faculty of Law basement, two inquisitive law minds at work conjecture on the notion of judicial authority upon the illustrious occasion of US Supreme Court Judge Scalia's speech that afternoon for the Charter at 25 conference....

- A) Did you know that he [Scalia] is very right wing, right?
- B) Yeah, I was really worried about going because I was scared that I would vomit during the presentation... (vomiting sound)
- A) You should go...it is important to hear these people speaking.
- B) Yeah...that is what Student C said, but I told him I would only go if I could whisper jokes in his ear during the speech.
- A) aoooooaoaoaoa.....
- B) No, no, seriously, I am not judging him...
[LONG PAUSE]... I mean, that's clearly his job.



Innocence McGill

Dealing With Wrongful Convictions in Canada

Keynote

Please Join Us

Wednesday, March 7, 2007

12:30-1:30pm (followed by refreshments)

Faculty of Law, McGill University

3644 Peel Street

Room 100 OCDH (Moot Court)

For more information, please send inquiries to: innocence.law@mcgill.ca

Keynote Speaker:

Mr. James Lockyer

Association in Defence of the Wrongly Convicted in Canada

(Member of the Board of Directors)

Come listen to Mr. James Lockyer as he discusses wrongful convictions in Canada

With an introduction by:

Professor Patrick Healy

On behalf of Innocence McGill

Organizations Involved

AIDWYC

"AIDWYC is a nonprofit legal organization that has developed a well-earned reputation as the advocate for wrongly convicted Canadians. Our clients are mostly poor, forgotten and have exhausted all of their legal avenues for relief. While one of AIDWYC's main goals is to champion the cause of factually innocent persons who have been wrongly convicted, we also work tirelessly to prevent their occurrence through legal education and reform" (www.aidwyc.org/about.cfm).

For more information on AIDWYC, please visit their website at www.aidwyc.org.

Innocence McGill

Innocence McGill is a student-led endeavour centered at the Faculty of Law of McGill University. It is run under the supervision of faculty members and prominent criminal lawyers, and is dedicated to researching and investigating claims of wrongful conviction in the province of Quebec. Our ultimate goal is to help secure the freedom of those who are factually innocent of serious crimes for which they continue to serve sentences in Quebec prisons.

For more information on Innocence McGill, please visit our website at www.mcgill.ca/innocence/.

The Saddam Trial: Was Justice Served?

by The McGill International Law Society

On January 29, the McGill International Law Society, with the support of the Dean's Discretionary Fund, hosted an event titled: "The Saddam Trial: Was Justice Served?" The event featured Professor Nehal Bhuta, author of the Human Rights Watch Report, *Judging Dujail: The First Trial Before the Iraqi High Tribunal* and currently Assistant Professor of Law, teaching courses in international human rights law at the University of Toronto. The talk led with an introduction by Professor Payam Akhavan.

Professor Bhuta has been studying justice issues in Iraq since 2003, and spent four weeks in Iraq observing trials and researching the Iraqi Special Tribunal. He led his talk with a short answer. Was justice served in Saddam Hussein's trial? No. According to Human Rights Watch, the trial before the Iraqi High Tribunal was marred by a plethora of flaws that made the ultimate verdict unsound. Specifically, Bhuta pointed to three main concerns: procedural problems, administrative difficulties, and substantive

problems.

Procedurally, the independence of the Iraqi Tribunal was undermined by interference of Iraqi government officials who put pressure on the court to speed up the trial and to be harsh on the accused. Specifically, there was some indication that judges were being threatened by the Iraqi government privately. In addition, the behaviour of the presiding judge also undermined the independence of the court. In addition, Bhuta noted that American involvement in the Tribunal impeded its success. He pointed out that the United States bankrolled the court and other international contributions were negligible. According to Bhuta, American lawyers, FBI investigators and other US citizens constituted the investigative core of the day-to-day operation of the Tribunal. This acted as another manifestation of American influence and fueled external perceptions of an American dominated court.

As a result of this pressurized political context, the Tribunal lost any perception of impartiality – both within and outside Iraq. Bhuta also

pointed to other procedural shortcomings such as the untimely disclosure of evidence and other court documents, violations of defendants' right to confront witnesses against them, and a failure to adequately inform defendants of the charges against them. Moreover, Bhuta noted that there were significant gaps in the evidence that weakened the prosecution's case, and cast doubt as to whether all the elements of the offence of crimes against humanity were established.

From an administrative point of view, Bhuta also stressed that the Iraqi High Tribunal did not competently perform key functions essential to make the trial proceedings run fairly and smoothly. For example, the tribunal lacked an outreach program to decipher the nature of the proceedings for the public. It also lacked a competent witness protection program and an effective defence office. Moreover, the statute of the Iraqi High Tribunal set out an adversarial process which was unfamiliar to the lawyers who were meant to apply it. Court officers also lacked

fundamental expertise in international criminal law, making the substantive law they were meant to apply completely foreign to them. Overall, administrators, judges, prosecutors, and defense lawyers alike lacked the capacity to carry out a trial of the magnitude and complexity of Saddam Hussein's. Bhuta pointed out that these administrative shortcomings were aggravated by an extremely volatile security situation which further affected the effective functioning of the court.

Professor Bhuta spoke to a number of other shortcomings which plagued Saddam Hussein's trial and took questions from the audience on a number of points including the execution of Hussein. Overall, the event provided a great opportunity for students and members of the community to discuss key issues surrounding the trial of Saddam Hussein and with regard to international criminal law generally. A detailed transcript of the event is available on the McGill International Law Society website at: <http://mils.mcgill.ca/>. ■

ERRATUM

The Quid's post on Notice Board for the current special issue on Women and the Law mistakenly instructed to submit contributions at quid.law@mail.mcgill.ca.

The correct email address is: quid.law@mcgill.ca.

People who have sent submissions to the wrong email address are encouraged to submit them again for the next issue. We apologize for the inconvenience.

- The Quid Staff

Lessons on How to Make Small Talk

by Sara Gauthier (Law II)

About two weeks ago I went out with three other non-law people, two of which I was meeting for the first time. We had great fun, ate, drank and laughed a lot. NOT ONCE, in the span of about five hours, did anyone ask me what I was doing with my life, what my career goals were, what I was doing this summer, if I had figured out what I wanted to do, whether I was going to do the recruitment, etc. Nope, instead we talked about food, movies, funny stories, and we just joked around.

I really enjoy this much more than talking about if I have figured out my life yet, and

no I haven't so you need not ask me when you see me in the hall. If you do ask me (or any of the related/above questions) don't take offence when I stare at you blankly and walk away (you've been warned! So now I can do it without feeling bad). But, on the other hand, if you want to tell me about the last great or awful movie you saw, the yummy supper you made for yourself last night, the cute resto you discovered, or a story of public embarrassment I will be all ears.

The skill of being able to make pleasant small talk is something you will need throughout your life. I take the example of a good friend

of mine, already working in the real world. She told me the other day how annoyed she was when people at work talked about work during their breaks. In her words "I already spend seven or eight hours five days a week thinking about work, I don't want to hear about work during my fifty minute break. Is that too much to ask? What ever happened to shooting the shit?" She subsequently devised a plan, and started asking people about their hobbies, some of which, i.e.: the guy who is obsessed with Napoleon and re-enacts his events at the community centre, she couldn't really relate to BUT HEY it's still bet-

ter than talking about work! And, why not, people can be really entertaining if you give them a chance.

Let's reduce the collective stress. We are all working to do something good with ourselves, but there are other things to life, and it's nice to have a mental break from thinking about it when you are in the company of others. ■

Law Joke Corner - How to Get a Law Job

Dear <Firm's name>,

Thank you for your letter of <date here>. After careful consideration I regret to inform you that I am unable to accept your refusal to offer me employment with your firm. This year I have been particularly fortunate in receiving an unusually large number of rejection letters. With such a varied and promising field of candidates it is impossible for me to accept all refusals.

Despite 's outstanding qualifications and previous experience in rejecting applicants, I find that your rejection does not meet with my needs at this time. Therefore, I will initiate employment with your firm immediately following graduation. I look forward to seeing you then. Best of luck in rejecting future candidates.

Sincerely,

<Your name here>

Le jardin à l'envers

by Professor Shauna Van Praagh, written on sabbatical in France, April 2004

At the top of Limeuil, our favourite and closest medieval village, there is a "Parc panoramique" overlooking the coming together of the Dordogne and Vézère rivers. The park has just reopened for the tourist season and is still looking a little shabby and worn after five months of winter hibernation. Still, the tranquility is striking, and the varied shrubs, trees, colours and quiet spaces make the park a special vantage point from which to look down at and breathe in the freshly turned soil, golden roof tiles, and green-brown currents of the region.

New this spring is a contemporary garden entitled "Le jardin à l'envers." Clearly a work in progress, it is provocative and inspiring in a way that I have never found to be the case with more typical collections of flowers and bushes and trees. On either side of a wide gradual ramp made of wooden slats, there are raised boxes, each containing a different plant. On the ground extending diagonally from the central ramp are small rows of flowers and bushes. At the upper end of the ramp is a huge mirror: in it, visitors see themselves, the path they have just traveled with its fragrant and colourful borders and, behind or beyond, the trees and walls of the larger park.

The brief description of the garden – provided in Braille as well as in written French – explains that its design is based on a concept of accessibility to all. Guided by this explanation, my six year old and I explore the way in

which the plants in the boxes can be touched (soft "bear's ears", spiky rosemary) and smelled (peppermint, thyme, sage) as well as seen (light and dark greens, bright purple, clean white). We noted that there are no steps or confrontational walls to stop wheelchairs or baby carriages...and we stared at our images—their size, their colours, their closeness, their differences—in the very polished and bright mirror.

A day after wandering through the park and this particular garden – strangely turned inside out so that the familiarity of its elements can be considered in a fresh way—I read a draft proposal for a Centre for Human Rights and Legal Pluralism at our Faculty of Law. The challenge in designing such a Centre is perhaps analogous to that of designing a garden that fits with its surroundings, inspires new action, and translates the dreams and ideas of some into tangible space and beauty for all. Accessible to everyone, the garden's meaning is shaped by the individuality of the visit and the particularity of each interaction with its multilayered and interconnected elements. The striking and central mirror in the garden is meant to reflect all of us and our backgrounds at the same time that it situates us within a tightly compact space characterized by a sensual diversity of entrance points.

Likewise, a fresh approach to human rights in their connection to, dependence upon, and intersection with the social diversity of human-

ity finds its novel place in more traditional surroundings. Nourished by the same light, water and gardening care as its neighboring and adjoining fields of study and practice, the proposed McGill Centre promises to plant complementary and yet distinctive forms of inquiry, learning and impact. Reflected in the mirror that the proposal represents, its participants are asked to look closely at themselves, their place on the path, and the possibilities for reaching beyond and through the here and now. The multiple senses provoked by the "jardin à l'envers" are sight, hearing, touch, smell and even taste. The sensibilities engaged by a Centre for Human Rights and Legal Pluralism within a Faculty soaked in legal traditions (and their cross-pollination, co-existence, and critical correspondence) are those towards individual identity, social order, creation of norms, and response to overlapping stories, claims and experience.

The garden and its many-layered shades, shapes, and lessons are particularly resonant at a time of year that I usually associate with the end of teaching and the intense task of evaluation. Late April in the Dordogne is the time for lilac blossoms and rain and clean green leaves and the reawakening of parks, chateaux, boats on the river that have all been locked away for 4 winter.

Late April at the university is the time for consolidation and fitting together; placing detail in larger context and

filling out big ideas with concrete examples; rereading, discussing, summarizing and watching a year's worth of work take on new shapes.

Again, the "jardin à l'envers" seems to hold key lessons. Students who have taken the time to stop at each plant box and to try out every possible way of experiencing the plant or flower or herb in question, are equipped by April to stand back, consider, and articulate to themselves the complex rapport among the various smells, colours, and textures. If they can reach beyond ground and chest level to tie in the sounds of birds as they fly over and near the garden, then they have truly figured out what there is to learn and how to glean the most from that learning.

The mirror thus conveys the image of the end-of-the-academic-year self – someone invited, through exams and papers, to consider how she fits with what she has learned, to connect his experience to the new and all-related concepts, principles, and stories that have constituted his legal education for the year. This year, I can spend my time looking through the actual mirror in the garden, and at its reflection of my sabbatical self in its springtime surroundings; next year, I will be back to acting as mirror for my students at the same time that they too hold up a collective and annual mirror to all of us as teachers and thinkers and learners.

Finally, standing ►

in the "jardin à l'envers" as I begin my fortieth year carries personal weight...and the shine of the mirror seems to hold special significance. The very permeability of the garden—its openness to multiple experiences and interpretations and stories—is very familiar. On one hand, I often feel like the flowers and leaves and herbs—poked at, handled, sometimes not even seen at all. On the other hand, I can feel like a permanent visitor observing, touching, merging into everything and everyone I find around me. The clear

reflection of myself seems misleading somehow...the woman in the glass is well-defined and sharply contoured, whereas I often feel fuzzy at the edges, slightly frayed and pulled into different directions.

And yet, the larger than life mirror holds a truth that is sometimes difficult to remember in the day-to-day routines and interactions of life to forty and beyond. It reminds us to notice where we are situated as we access the interlocking elements of the garden. It reminds us

that we appear central as we move along the path, and that, at the same time, we are part of the background against which each piece of the garden takes shape. We see where we have come from...indeed, we cannot move forward without noticing what lies behind. And we are reminded to pay attention to all the ways in which others need and watch and find and love us...and to the ways in which we move along a path marked by differing and yet connected places to stop and literally smell the flowers. The irre-

trievable lies beyond the mirror; we cannot pass through it into the reflected garden.

And so I eventually turn my back to the mirror and continue on my way, knowing that the garden is watching me as I choose other directions. It seems to me that this is what heading to forty must mean...staring at myself and then turning around, both exhausted and enriched by the senses at play in the moments and meetings that form the structure and line the path of my own jardin à l'envers. ■

AN AFTERNOON OF DISCUSSION ABOUT WOMEN AND THE LAW: INVITATION AND CALL FOR PRESENTATIONS

THE MCGILL FACULTY OF LAW WOMEN'S CAUCUS IS HOSTING A FACULTY-SPECIFIC AFTERNOON OF DISCUSSION ON PERTINENT ISSUES THAT CONFRONT WOMEN AND THE LAW, BROADLY AND PERSONALLY.

DATE AND TIME: FRIDAY, MARCH 23, 2007, 1-5:30PM.

REFRESHMENTS WILL BE SERVED. WE ARE ARRANGING TO RECORD, COMPILE, AND LOCALLY PUBLISH THE IDEAS RAISED IN THIS FORUM, WITH THE PERMISSION OF INTERLOCUTORS.

WE ARE CALLING FOR PRESENTATIONS FOR FOUR PANELS, AIMING FOR A MIX OF MCGILL FACULTY OF LAW PROFESSORS AND STUDENTS ON EACH PANEL. PRESENTATIONS SHOULD BE 5 TO 10 MINUTES, AND WILL BE FOLLOWED BY HALF AN HOUR OF PARTICIPATORY DISCUSSION.

THE PANELS ARE:

1) EXPLORING DIVERSITY: EXPERIENCES AND CHALLENGES AS WOMEN AND WOMEN PROFESSORS AND STUDENTS IN LAW FACULTIES (1-2PM)

2) CONTEMPORARY ISSUES OF WOMEN AND THE LAW IN CANADA (2-3PM)

EG. BUDGET CUTS TO THE STATUS OF WOMEN BY THE PRESENT FEDERAL GOVERNMENT, DOMESTIC VIOLENCE AGAINST WOMEN IN CANADA, PERSISTENCE OF UNDER-REPRESENTATION OF WOMEN IN PUBLIC OFFICE, ETC.

3) ISSUES OF WOMEN AND THE LAW TRANSNATIONALLY/INTERNATIONALLY (3:30-4:30PM)

4) THE QUESTION OF WOMEN'S VOICE AND EMPOWERMENT IN LEGAL SCHOLARSHIP AND IN LEGAL PRACTICE (4:30-5:30PM)

WE HOPE THAT THE EVENT WILL BE AN AFTERNOON OF DISCUSSION AND SHARING OF IDEAS AND PERSPECTIVES ON THESE TOPICS. DETAILED SCHEDULE AND LOCATION TO FOLLOW. REGARDING PRESENTATIONS: PLEASE NOTE THAT FOR THE PRESENTATIONS, WE ARE NOT NECESSARILY LOOKING FOR THOUGHTS BACKED BY A FULL-LENGTH RESEARCH PAPER. A PRESENTATION OF YOUR EXPERIENCES OR IDEAS BASED ON AN AREA OR TOPIC OF INTEREST THAT YOU FEEL IS IMPORTANT IS WELCOME. IF YOU CANNOT MAKE THE MARCH 23 EVENT, BUT HAVE MATERIAL YOU WOULD LIKE TO HAVE PRESENTED, PLEASE SPEAK WITH US, AND WE CAN ARRANGE A PROXY.

PLEASE EMAIL QUESTIONS AND PRESENTATION PROPOSALS TO EWA.KRAJEWSKA@MAIL.MCGILL.CA & JA.GROFF@MAIL.MCGILL.CA. WE WOULD LIKE TO HAVE A LIST OF PRESENTATIONS COMPILED ASAP, AND BY MARCH 16.

EAST MEETS MIDDLE EAST: COFFEEHOUSES WEREN'T MEANT TO BE THIS SPICY

**THURSDAY, MARCH 8TH, 2007
TIME: 4:30 PM**

**ATRIUM, CHANCELLOR DAY HALL
3644 PEEL STREET, MONTREAL
MCGILL UNIVERSITY FACULTY OF LAW**

**JOIN THE ASSOCIATION OF MCGILL ARAB LAW STUDENTS (AMALS) AND
THE ASIA PACIFIC LAW ASSOCIATION OF MCGILL (APLAM) IN A JOURNEY OF
SOUNDS AND FLAVOURS:**

DINE ON TASTY SPRING ROLLS, PAD THAI, MANAKEESH, AND CHEESE, SPINACH
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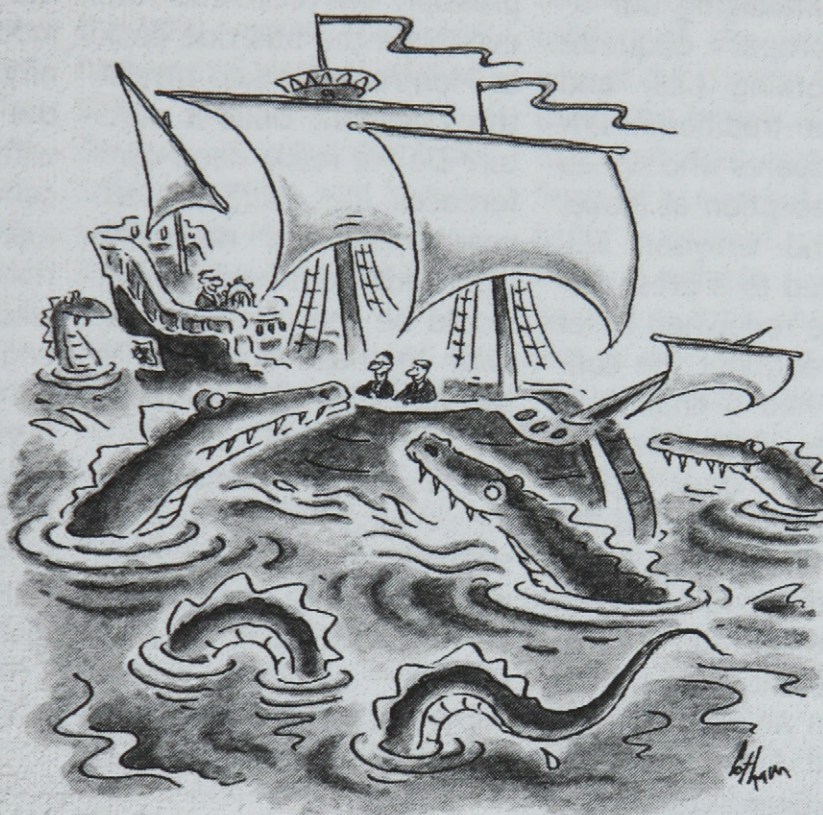
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BLSAC Conference: A Community Affair

by Paul Omeziri (Law ?)

Last week, during Black History Month, I had the opportunity to attend the Black Law Students' Association (BLSAC) national conference in Toronto. I would like to thank the LSA and the Dean (through the Dean's Discretionary Fund) and our local BLSA chapter for their support in subsidizing the conference for participating students.

I found the conference to be a vastly enriching and interesting experience. I had the opportunity to meet judges, lawyers, and academics who were tackling serious issues facing Canada's black population. Issues such as racial profiling, access to justice, diversity in the legal profession and a host of other important topics were discussed during the two day

conference. We also had the opportunity to attend a series of lectures that spoke directly to our needs as law students and future professionals. We were counseled on such topics as managing our finances, proper etiquette and networking tips, and finding non-traditional law jobs. Participants who signed up for a reception at Blake, Cassels and Graydon LLP were treated to a presentation by the renowned Peter Hogg. Throughout the conference I had a chance to meet other black law students who had great aspirations for contributing to the legal profession and great ideas for the kind of contributions that they could make. The entire event culminated in an elegant gala dinner and dance on Satur-

day

Overall the experience was both uplifting and educational, a unique combination of learning and festivities that has left an indelible impression on me. After the event, on the bus ride back to Montreal, I asked myself this question: Does it matter? Do we really need conferences like this? If next year there was no more black law conference what would be the loss? My answer to these questions is two-fold. Firstly, if there was no conference there would be the personal loss to black law students like myself, who would miss out on a lot of fun and learning. Secondly, and more importantly, conferences such as these remind us that

night.

the legal profession consists of more than just a disconnected agglomeration of individuals working towards their own personal goals. The BLSAC conference reminded me that the legal profession indeed constitutes a community. And as a result the connections we make with other members of the community are more than just a side-activity, something we're forced to endure while we're not engaging in the more pertinent aspects of the legal profession and our legal education. These connections rather form the core of who we are and who we will become within a vast and diverse legal community. ■



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Women in the Law: A Precarious Life

by Lindsay Tina Cheong (Law II)

This world is really messed up for women and I am tired of pretending otherwise.

Perhaps it is not surprising that previously in the common law, a daughter who was abducted from her family had no formal recourse against her aggressors if she was found or managed to escape—women did not have separate legal personality from the men in their lives (dads and hubbys included). The only claim available against the aggressors was by the father, whose claim was based on his economic loss. That's right: daughters who were abducted could only get recognition of what happened to them by having their dads argue that the absence of their daughters hurt their pocket books.

And then men gave women legal personality.

Today, the law frames women's right to abortion as an issue of women's rights versus fetal rights. A fetus—an organism that is made up of two strands of different DNA, an entity that enjoys mere life, but not a political, social, emotional, economic life—is said to possess a right that is more important

or valuable than a woman's right to control her body. Compare this situation to the above paragraph, where women did not have any rights, but took care of men, women, children, cooked, cleaned, laughed, cried, thought, grew, explored, nurtured all kinds of relationships, had ambitions and dreams... How is it that today a fetus may be said to have rights that are more fundamental than a woman's?

And so my body is not my own—it is not "mine" in the sense that a plot of land can be yours, an idea that many in this school have no problem defending to the ends of the earth. Yet the same chorus of voices does not fill the silence of the classroom when we speak about women's right to control their bodies. And let us not forget that this analogy is perverse—imposing a legal regime on landowners cannot be equated to someone else telling me what I can or cannot do with my body. My body is not an object—it breathes, it communicates without words, it moves, it feels, it can give birth... we are all here because of a woman's body.

But even the place you and I

come from—a woman's womb—is not safe from the violence of the world. The rape shield in Canada is not a shield, it is a sieve that allows for evidence of a woman's past sexual history to pass through at the discretion of the trial judge, who at this point in time happen to be "men". The shield does not deal with the defense of honest but mistaken belief in consent, one of the most reliable defenses against a rape charge. It's like a guy saying to you, "oops, I didn't know that I forced my penis into you when you didn't actually want it in your vagina." And there may not even be an apology. The shield also does not address defense "tactics" used against women (complaining witnesses—yes, we are even complaining when we are telling people we were raped). So ladies, if you become lubricated at any point during a rape, or a gang rape, watch out cause you probably wanted it. Nevermind that you couldn't say no or didn't dare struggle for fear the man/men would just break your neck.

How much does the law (and not just state law) care about women?

There is not a single class of-

ferred at this faculty with the word "women" in its title. I will graduate from this law school without taking a class on women, without knowing a whole lot about how I, as a woman, am regulated by laws that were not written by women or even for women (if men really cared about women and really thought rape was one of the most violent experiences a person could go through, the laws on rape would be much more severe, don't you think?) Oh no wait, I can go do that on my own time! Yes, between all the other things my legal education explicitly or implicitly demands that I do, I can go and educate myself in order to make good decisions for me because clearly, this is my problem and mine alone. Right—just like how one day I can take care of a husband, have children, take care of them too, and maybe (maybe) even take care of myself a little bit on my own time while I fight it out with the men and women in my firm to make partner.

I want change in my lifetime, but the burden is not just on me (or women for that matter) to make this happen. Who's up for the challenge?

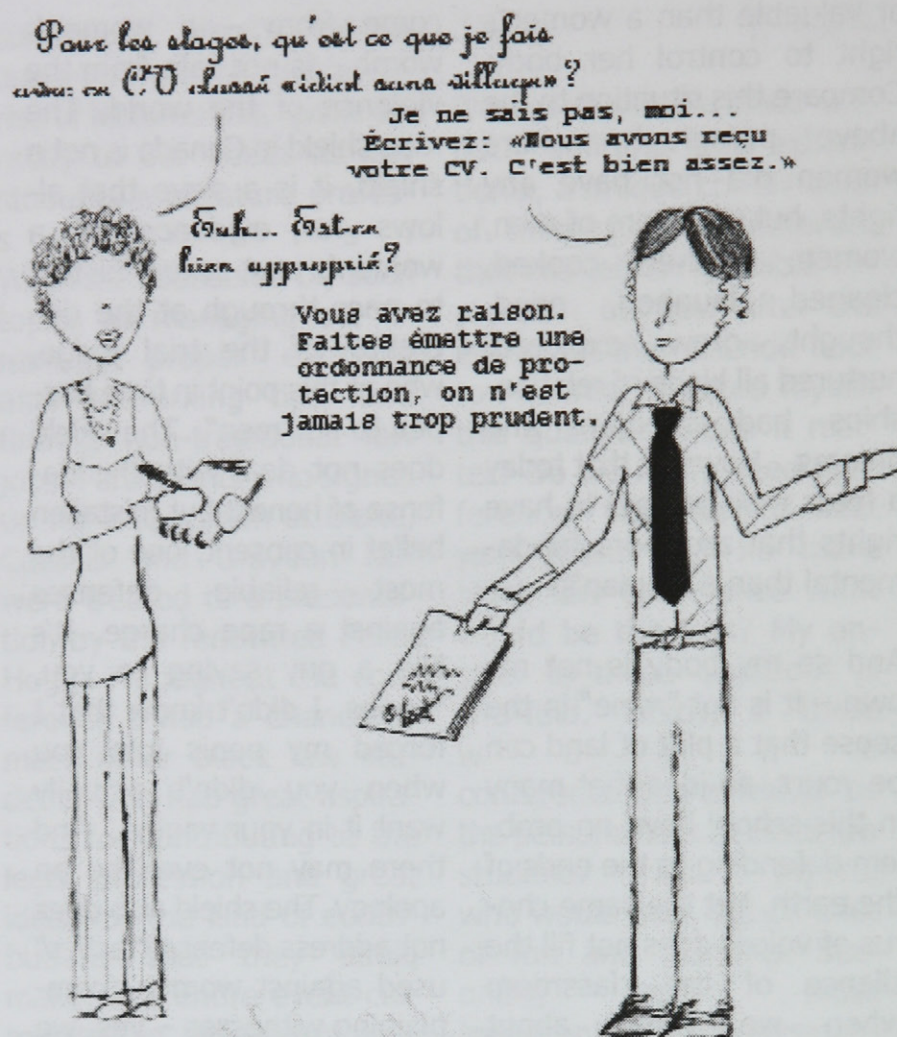
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Accusé de déception

par Laurence Bich-Carrière (Law III)



Confessions d'une féministe

par Karina Kesserwan (Law IV)

Je l'avoue. J'ai toujours eu une vision naïve de l'égalité hommes-femmes. Petite, je ne voyais rien de bizarre dans ma préférence de construire des camions-grue avec des pièces métalliques pendant que mon frère s'amusait à marier ses poupées. Adolescente, j'achetais mes pantalons dans le rayon des gars pour pouvoir profiter de toutes ces poches qui me permettaient de stocker mes clés, mon portefeuille et des livres de lecture sans devoir m'encombrer d'une sacoche. Je n'ai jamais compris pourquoi les politiciens mâles traînaient leurs épouses avec eux lors des voyages officiels,

pourquoi la jupe est encore portée dans les forces armées, pourquoi quelqu'un voudrait criminaliser l'avortement ou comment se fait-il que « Miss Univers » est un concours de beauté tandis que « Mr Univers » est un concours de muscles. J'ai par ailleurs toujours encouragé tous les hommes indignés de payer plus cher pour leur assurance-auto que les femmes de porter l'affaire devant les instances appropriées. Pire : j'avais la ferme conviction qu'aucune personne moindrement intelligente et minimalement éduquée ne trouverait rien à redire là-dessus.

Je ne m'attendais pas à être tiré en bas de mon nuage aussi brutalement que je l'ai été. C'était lors d'un souper entre amis. Tout se déroulait pour le mieux. J'avais brûlé le risotto et le bœuf n'était pas assez cuit, mais les convives, visiblement saouls sur du thé blanc à la pêche, n'en faisaient pas grand cas et se disputaient joyeusement le dernier morceau de pain à la farine de blé entier certifiée biologique. Et puis la bombe est tombée. « Moi, je ne veux pas l'égalité hommes-femmes ! » C'était la voix d'une de mes meilleures copines. Je n'ai pas eu le temps d'évaluer l'hilarité de la blague qu'une autre de

mes amies l'appuyait bravement : « Moi non plus ! » Je n'arrivais pas à en croire mes oreilles : ce n'était pas une blague ! Les hommes présents ricanaient déjà dans leur barbe. Et mes copines reprenaient de plus belle : « Moi, ce que je veux, c'est un homme qui me protège », disait l'une. « Moi, je ne veux pas prendre des décisions : je veux simplement avoir le choix ; mais que l'homme choisisse », répliquait l'autre. « Moi je suis très bien capable de me protéger toute seule et prendre mes propres décisions ! » Ça c'était moi, mais personne ne m'écoutait. La conversation a tourné en une ode au ▶

« vrai mâle », du genre qu'on ne trouve plus au Québec (Dieu merci !).

Bon, ce n'était pas la première fois que j'avais l'impression d'être en présence d'extraterrestres. Il y a eu la fois où je me suis moquée à voix haute d'un article dans une revue féminine qui vantait le bonheur de laisser de côté sa carrière et de découvrir les vraies joies de la vie en consacrant son existence à être mère (personne ne l'a trouvé drôle). Apparemment j'ai été (1) intolérante du choix de vie des autres et (2) inconsciente de tous les dangers et horreur dont regorgent les garderies. Et puis toutes celles où je suis tombée sur des pages web parlant de la « vraie place de la femme », les « mythes du féminisme » ou même celle encourageant la violence conjugale et le viol sous prétexte que « dans le fond, elle le veut » (<http://www.takeninhands.com>).

Mais cette fois-ci c'était différent. J'avais en face de moi des femmes en chair et en os, des femmes que je respectais, qui me disaient très clairement qu'elles ne voulaient rien savoir de cette égalité avec laquelle je leur rabattais les oreilles. Non, ça ne les dérangeait pas de voir les femmes à moitié nues sur des affiches publicitaires. Non, elles n'avaient rien à redire sur la présence des femmes en politique ou dans les postes de direction. Non, ça ne les intéressait pas d'être en couple avec un homme qui gagnait moins qu'elles. Non, elles ne voyaient pas les talons hauts et le maquillage comme étant un symbole d'objectivation, mais plutôt comme une prise de pouvoir. Oui, ce qu'elles voulaient réellement c'était un prince charmant dans une décapotable rouge, un mariage en blanc et le « ils furent toujours heureux et eurent beaucoup d'enfants ».

Et qui j'étais moi pour leur dire ce qu'elles DEVRAIENT vouloir. L'argument est simple. Une des candidates à Miss Univers Canada le scandait hier sur la page d'actualités du Métro : « Si être féministe c'est la liberté de choix, alors moi aussi, je suis féministe ». Je me suis tue et me suis contentée de siroter mon thé.

À l'approche du 8 mars, je ne doute pas que les médias, dont divers journaux étudiants, s'amuseront à remâcher la même vieille question qu'ils époussètent année après année; le féminisme a-t-il encore sa raison d'être? Je ne tomberai pas dans la moralisation. Je n'invoquerai pas les suffragettes ou les 343 salopes. Je ne rappellerai pas qu'Annie MacDonald Langstaff, première diplômée de notre vénérée faculté en 1914, n'a été admise au Barreau du Québec qu'à titre honorifique et seulement en 2006. Le

féminisme n'est pas un culte. Il ne s'agit pas de vénérer toutes les Friedan et Beauvoir pour la sonorité de leurs noms. Le féminisme n'est pas un dogme. Il ne s'agit pas d'accepter aveuglement tous ses préceptes. Le féminisme est plutôt un questionnement constant. C'est se demander à chaque matin : est-ce que je choisis mon monde ? Suis-je un être humain à part entière qui sculpte sa propre condition ? Puis, est-ce ce qui me définit est autre chose que mes chromosomes ?

Je l'avoue. J'ai toujours eu une vision naïve de l'égalité hommes-femmes. Je ne blâmerai pas les « Bratz », la nouvelle gamme de produits « Barbie » de M.A.C. ou le déficit de visages féminins dans L'EXPERT. Je ne peux me blâmer que moi. Parce que trop de fois je me contente de siroter mon thé. ■

Miraculum

par Léonid Sirota (Law II)

Un miracle, c'est ce qu'il aurait presque fallu pour que le fruit de l'amour de Farah et Hani puisse exister dans une société égyptienne contemporaine où les différences religieuses peuvent encore être un obstacle à une union. Le décor est planté dès le départ du court métrage : deux familles amies de longue date, de confessions religieuses différentes, mais qui s'apprécient au plus haut point et se respectent. Cependant aucune ne se doute que leur lien d'amitié est désormais scellé dans un amour naissant entre leurs enfants respectifs.

Cet amour ne sera, hélas, pas assez fort pour dépasser ce clivage, une tragédie shakespearienne se répète, et un tabou social est exposé quand leur religion devient un obstacle. La passion naissante entre Hani et Farah, point de départ de l'histoire, est graduellement mise à mal, et on assiste impuissant à sa dégradation jusqu'à sa mort.

Sherif Nakhla, jeune réalisateur Égyptien, a voulu dépeindre dans son film (diffusé à la faculté de droit le 31 janvier dernier) une intolérance qui malheureusement se décline en

toutes langues et ne se limite à aucun pays. Cette fiction rejoint une réalité quotidienne que doivent affronter beaucoup de jeunes, musulmans, juifs ou chrétiens.

L'Association des Étudiants Arabes en Droit de McGill 4 tenait à diffuser ce film afin d'offrir une scène d'expression à tous ceux qui veulent briser ces tabous sociaux et dénoncer toute intolérance, quelle qu'elle soit.

Au delà du sentiment personnel que l'on peut avoir du film, ce court métrage suscite le débat, du moins la réflexion, premier pas vers un dialogue ouvert et transparent.

Association of McGill Arab Law Students

<http://mcgillalsa.blogspot.com/> ■

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